CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2004-____

NPDES NO. CA0079235

WASTE DISCHARGE REQUIREMENTS FOR SEWERAGE COMMISSION-OROVILLE REGION WASTEWATER TREATMENT PLANT BUTTE COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Board) finds that:

1. The Sewerage Commission-Oroville Region (hereafter Discharger) submitted a Report of Waste Discharge, dated 18 November 2003, and applied for a permit renewal to discharge waste under the National Pollutant Discharge Elimination System (NPDES) for the Discharger's Wastewater Treatment Plant (No. CA0079235).

2. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewage service to the City of Oroville, Thermalito Irrigation District, Lake Oroville Area Public Utility District, State of California Parks and Recreation Department, and State of California Department of Water Resources (DWR) as a regional treatment plant. The Discharger's responsibility for the collection system ends at the termination of its east and west interceptors, which consist of approximately 3.25 miles of pipe line and 2 pump stations (Rudy Creek and Feather River). An average dry weather flow of 3.2 million gallons per day (mgd) of treated domestic and industrial wastewater is discharged to the Feather River (Discharge 001), a water of the United States, in Section 33, T19N, R3E, MDB&M at latitude 39° 27' 11" and longitude 121° 38' 13". The treatment plant is in Section 19, T19N, R4E, MDB&M, on property owned by the Discharger (Assessor's Parcel No. 035 390 013), as shown on Attachments A and B, which are a part of this Order.

3. The treatment system consists of screening for removal of large solids, grit removal, primary clarification, activated sludge treatment with secondary clarification, filtration, chlorination, and dechlorination. Sludge is aerobically treated, dried on site, and then disposed at a sanitary landfill. The Report of Waste Discharge and information from the Discharger's monitoring reports describes the discharge as follows:

Design Average Dry Weather Flow:	6.5 mgd
Average Dry Weather Flow:	3.2 mgd
Maximum Daily Wet Weather Flow:	8.9 mgd
Average Temperature:	76°F Summer; 65°F Winter

Constituent	mg/L	lbs/day[b]
BOD[a]	3.1	83
Total Suspended Solids	1.2	32

[a] 5-day, 20°C biochemical oxygen demand.
[b] Based on an ADWF of 3.2 mgd.

4. The U.S. Environmental Protection Agency (USEPA) and the Regional Board have classified this discharge as a major discharge.

5. The Regional Board adopted a Water Quality Control Plan, Fourth Edition, for the Sacramento and San Joaquin River Basins (hereafter Basin Plan). The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve water quality objectives for all waters of the Basin. This includes plans and policies adopted by the State Water Resources Control Board (SWRCB) and incorporated by reference, such as Resolution No. 68-16, "*Statement of Policy with Respect to Maintaining High Quality of Waters in California"* (Resolution No. 68-16). The Basin Plans, as amended, designate beneficial uses, establish water quality objectives, and contain implementation plans and policies for waters of the Basins. Pursuant to the California Water Code (CWC) Section 13263(a), waste discharge requirements must implement the Basin Plans.

6. The USEPA adopted the *National Toxics Rule* (NTR) on 22 December 1992, which was amended on 4 May 1995, and 9 November 1999, and the *California Toxics Rule* (CTR) on 18 May 2000, which was amended on 13 February 2001. These rules contain water quality criteria applicable to this discharge. The State Water Resources Control Board (SWRCB) adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (known as the State Implementation Policy or SIP) on 2 March 2000, which contains guidance on implementation of the NTR and the CTR.

7. The beneficial uses of the Feather River downstream of the discharge as identified in Table II-1 of the Basin Plan are municipal and domestic, industrial and agricultural supply; water contact and non-contact recreation; esthetic enjoyment; navigation; groundwater recharge, fresh water replenishment; and preservation and enhancement of fish, wildlife, and other aquatic resources.

8. The beneficial uses of the underlying ground water are municipal, domestic, industrial and agricultural supply.

9. Federal regulations contained in 40 CFR 122.4 (d) require effluent limitations for all pollutants that are or may be discharged at a level that will cause or have the reasonable potential to cause or contribute to an in-stream excursion above a narrative or numerical water quality standard. The NTR and CTR contain water quality standards applicable to this discharge. The Discharger was issued a letter under the authority of California Water Code Section 13267 on 28 February 2001, requesting effluent and receiving water monitoring meeting the requirements of the State Implementation Policy (SIP). Analytical results were submitted for volatile

substances, semi-volatile substances, pesticides, metals, asbestos, 2,3,7,8-TCDD dioxin, and sixteen other dioxin congeners. The methodology described in Section 1.3 of the State Implementation Policy (SIP) was used to evaluate the Discharger's monitoring data and determine reasonable potential. Copper, zinc, and tetrachloroethene were detected in the effluent at concentrations that may cause or contribute to an in-stream excursion above a narrative or numerical water quality standard or objective.

10. In determining whether a discharge has the reasonable potential to contribute to an in-stream excursion above a narrative or numerical water quality standard, the dilution of the effluent in receiving water may be considered where areas of dilution are defined. The available dilution may also be used to calculate protective effluent limitations by applying water quality criteria at the edge of the defined mixing zone. In situations where receiving water flows are substantially greater than effluent flows and there is available assimilative capacity, dilution may be considered in establishing effluent limitations.

11. The Discharger's consultant conducted a mixing zone study using the CORMIX GI version 4.1 Hydrodynamic Mixing Zone Model to mathematically model effluent discharges from the wastewater treatment plant to the Feather River. The mixing zone modeling results indicated the discharge meets the definition of a completely mixed discharge as contained in the SIP. On the basis of the mixing zone study the Discharger requested a dilution credit of 92 for acute criteria and 121 for chronic criteria.

12. Resolution No. 68-16 requires the Regional Board to maintain high quality waters of the state unless it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in the Regional Board's policies. The dilution credits requested by the Discharger would result in effluent limits that are extremely high in comparison with measured levels in the Discharger's effluent. Using these dilution credits would grant 100 percent of the assimilative capacity of the river to this discharge, eliminating the ability to allow existing or potential downstream discharges without water quality objectives being exceeded. The Regional Board, therefore, is granting a portion of the requested dilution credit in an effort to maintain the quality of the Feather River at the current levels and reserve a portion of the river's assimilative capacity for other discharges. A dilution credit of 20 for acute and human health criteria and 26 for chronic criteria will result in effluent limits that more reasonably represent current levels in the Discharger's effluent and thus are used to develop effluent limits for copper, zinc and tetrachloroethene in this order.

13. Federal regulations require effluent limitations for all pollutants that are or may be discharged at a level that will cause or have a reasonable potential to cause, or contribute to an in-stream excursion above a narrative or numerical water quality standard. Based on information submitted as part of the application, in studies, and as directed by monitoring and reporting programs, the Regional Board finds that the discharge has a reasonable potential to cause or

contribute to an in-stream excursion above a water quality standard for the following constituents:

a. Copper:

As reported by the Discharger, copper was detected in the effluent at a maximum concentration of 15 ug/L. The initial sampling was not conducted using "clean" techniques, however a subsequent sample was taken with appropriate technique and had a result of 6.8 ug/L. The USEPA CTR aquatic life chronic criterion for copper is 4.3 ug/L (for a minimum receiving water hardness of 40 mg/L and applying the USEPA translator of 0.960). The maximum observed upstream receiving water copper concentration was 0.72 ug/L.

The detected concentration of copper exceeds the CTR criterion. Therefore, the discharge has a reasonable potential to cause or contribute to an in-stream exceedance of the CTR criterion. An effluent limitation for copper is included in this Order based on the CTR acute toxicity criterion and is established as 57 ug/L as a monthly average and the daily maximum of 110 ug/L, calculated using the 20:1 dilution credit as shown in the Information Sheet, a part of this Order.

b. Zinc:

As reported by the Discharger, zinc was detected in the effluent at a maximum concentration of 60 ug/L. The USEPA CTR aquatic life chronic and acute criteria for zinc is 55.1 ug/L (for a minimum receiving water hardness of 40 mg/L and applying the USEPA translators of 0.986 for chronic and 0.978 for acute). The maximum observed upstream receiving water zinc concentration was 30 ug/L.

The detected concentration of zinc exceeds the CTR criteria. Therefore, the discharge has a reasonable potential to cause or contribute to an in-stream exceedance of the CTR criteria. An effluent limitation for zinc is included in this Order based on the CTR acute toxicity criterion and is established as 280 ug/L as a monthly average and the daily maximum of 560 ug/L, calculated using the 20:1 dilution credit as shown in the Information Sheet, a part of this Order.

c. Tetrachloroethene:

As reported by the Discharger, tetrachloroethene was detected in the effluent at a maximum concentration of 1.0 ug/L. The USEPA CTR human health criterion for tetrachloroethene is 0.8 ug/L (for waters that are sources of drinking water and which aquatic organisms may be consumed). The maximum observed upstream receiving water tetrachloroethene concentration was 0.32 ug/L.

The detected concentration of tetrachloroethene exceeds the CTR criterion. Therefore, the discharge has a reasonable potential to cause or contribute to an exceedance of the CTR criterion. An effluent limitation for tetrachloroethene is included in this Order based on the CTR human health criterion and is established as 14 ug/L as a monthly average and the daily maximum of 28 ug/L, calculated using the 20:1 dilution credit as shown in the Information Sheet, a part of this Order.

d. Total Chlorine Residual:

Chlorine is commonly used as a disinfection agent in the treatment of wastewater. Proper disinfection ensures destruction of pathogens prior to discharge to the surface waters. The Discharger uses chlorine for disinfection of the wastewater at the treatment plant. Because chlorine poses a threat to human health and is especially harmful to organisms living in water, a dechlorination process is necessary for the removal of chlorine. For dechlorination, the Discharger uses sulfur dioxide, which combines with chlorine, to render it relatively unreactive and thus removes it from the waste stream. Inadequate dechlorination may result in the discharge of chlorine to the receiving stream and cause toxicity to aquatic life. The Basin Plan prohibits the discharge of toxic substances in toxic concentrations.

The USEPA has developed Ambient Water Quality Criteria for the protection of freshwater aquatic life. The recommended maximum one-hour average and four-day average concentrations for chlorine are 0.02 mg/L and 0.01 mg/L, respectively. Effluent Limitations for chlorine are included in this Order and are based on the Basin Plan narrative toxicity objective.

e. Total Suspended Solids (TSS) and Biochemcial Oxygen Demand (BOD):

Federal regulations, 40 CFR, part 133, provide technology based effluent limitation for BOD and TSS. Pursuant to the regulations at 40 CFR Sections 133.102(a), and (b), the BOD and TSS 30 day average discharge limit for secondary treatment systems shall not exceed 30 mg/L, the 7 day average shall not exceed 45 mg/L, and the 30 day BOD percent removal shall not be less than 85 percent. The previous permit called for monthly average effluent limits for BOD and TSS of 20 mg/L, weekly average limits of 25 mg/L, daily maximum limit of 40 mg/L, and a monthly average removal rate of 85 percent. These limits remain the same in this permit.

f. Total Coliform Organisms:

This Order requires a monthly median total coliform limit of 23 MPN/100 ml and a daily maximum limit of 500 MPN/100 ml for effluent discharged to the Feather River. This level is thought to be adequately protective of beneficial uses and is consistent with the previous permit.

g. pH:

The Basin Plan provides that the pH of surface waters shall not be depressed below 6.5 nor raised above 8.5 nor shall the discharge alter pH of the receiving water more than 0.5 units. Federal regulations at 40 CFR 133.102(c) describes the minimum level of effluent quality to be attained by secondary treatment facilities for pH to be within 6.0 and 9.0 units. This Order requires the pH of the effluent to be maintained within the limits of 6.0 and 9.0 pH units.

14. Section 13263.6(a), California Water Code, requires that "the regional board shall prescribe effluent limitations as part of the waste discharge requirements of a POTW for all substances that the most recent toxic chemical release data reported to the state emergency response commission pursuant to Section 313 of the Emergency Planning and Community Right to Know Act of 1986 (42 U.S.C. Sec. 11023) (EPCRKA) indicate as discharged into the POTW, for which the state board or the regional board has established numeric water quality objectives, and has determined that the discharge is or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to, an excursion above any numeric water quality objective". The Regional Board has adopted numeric water quality objectives in the Basin Plan for the following constituents: arsenic, copper, silver, zinc, and cyanide. The most recent toxic chemical release data did not indicate that any of these constituents are discharged into the POTW at a level which will cause, have the reasonable potential to cause, or contribute to, an excursion above any numeric water quality objective. Data for arsenic, silver and cyanide indicate that there is not a reasonable potential to cause or contribute to an excursion above any numeric water quality objectives referred to in Water Code Section 13263.6(a). This Order contains effluent limitations for copper and zinc.

15. California Water Code Section 13267 states, in part, "(a) A Regional Board, in establishing…waste discharge requirements… may investigate the quality of any waters of the state within its region" and "(b) (1) In conducting an investigation… the Regional Board may require that any person who… discharges… waste…that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the Regional Board requires." California Water Code Section 13383 states in part, "a regional board may establish monitoring, inspection, entry, reporting, and record keeping requirements . . . for any person who discharges pollutants . . . to navigable waters." The attached Monitoring and Reporting Program is pursuant to California Water Code Sections 13267 and 13383.

16. The permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and SWRCB Resolution 68-16. Compliance with these requirements will result in the use of best practicable treatment or control of the discharge. The impact on water quality will be insignificant.

17. Effluent limitations, and toxic and pretreatment effluent standards established pursuant to Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations),

304 (Information and Guidelines), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act (CWA) and amendments thereto are applicable to the discharge.

18. Federal regulations for storm water discharges were promulgated by USEPA on 16 November 1990 (40 CFR Parts 122, 123, and 124) which require specific categories of industrial facilities, which discharge storm water, to obtain NPDES permits and to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate industrial storm water pollution.

19. The SWRCB adopted Order No. 97-03-DWQ (General Permit No. CAS000001), on 17 April 1997, specifying waste discharge requirements for discharge of storm water associated with industrial activities, excluding construction activities, and requiring submittal of a Notice of Intent (NOI) by industries to be covered under the permit. All stormwater drainage at the site is internal, and therefore no stormwater notice of intent is required for the Discharger.

20. The Discharger developed a pretreatment program in conformance with 40 CFR Part 403, which was approved on 8 December 2000.

21. The Discharger's sanitary sewer system collects wastewater using sewers, pipes, pumps, and/or other conveyance systems and directs this raw sewage to the wastewater treatment plant. A "sanitary sewer overflow" is defined as a discharge to ground or surface water from the sanitary sewer system at any point upstream of the wastewater treatment plant. Temporary storage and conveyance facilities (such as wet wells, regulated impoundments, tanks, highlines, etc.) may be part of a sanitary sewer system and discharges to these facilities are not considered sanitary sewer overflows, provided that the waste is fully contained within these temporary storage/conveyance facilities.

22. Sanitary sewer overflows consist of varying mixtures of domestic sewage, industrial wastewater, and commercial wastewater. This mixture depends on the pattern of land use in the sewage collection system tributary to the overflow. The chief causes of sanitary sewer overflows include grease blockages, root blockages, debris blockages, sewer line flood damage, manhole structure failures, vandalism, pump station mechanical failures, power outages, storm or groundwater inflow/infiltration, lack of capacity, and contractor caused blockages.

23. Sanitary sewer overflows often contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen demanding organic compounds, oil and grease, and other pollutants. Sanitary sewer overflows can cause temporary exceedances of applicable water quality objectives, pose a threat to public health, adversely affect aquatic life, and impair the public recreational use and aesthetic enjoyment of surface waters in the area.

24. The Discharger is expected to take all necessary steps to adequately maintain and operate its sanitary sewer collection system. This Order requires the Discharger to prepare and implement a Sanitary Sewer System Operation, Maintenance, Overflow Prevention, and Response Plan.

25. The action to adopt an NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21100, et seq.), requiring preparation of an environmental impact report or negative declaration in accordance with Section 13389 of the California Water Code.

26. The Regional Board has considered the information in the attached Fact Sheet in developing the Findings of this Order. The Fact Sheet, Monitoring and Reporting Program No. R5-2004-____, and Attachments A and B are a part of this Order.

27. The discharge is presently governed by Waste Discharge Requirements Order No. 99-065, adopted by the Regional Board on 11 June 1999.

28. The Regional Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

29. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge.

30. This Order shall serve as an NPDES permit pursuant to Section 402 of the CWA, and amendments thereto, and shall take effect upon the date of hearing, provided USEPA has no objections.

IT IS HEREBY ORDERED that Order No. 99-065 is rescinded and the Sewerage Commission-Oroville Region, its agents, successors and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. Discharge Prohibitions

1. Discharge of treated wastewater at a location or in a manner different from that described in Finding Nos. 2 and 3 is prohibited.

2. Discharge of storm water is prohibited without first obtaining coverage under the general Permit for Discharges of Storm Water Associated with Industrial Activities.

3. The by-pass or overflow of wastes to surface waters is prohibited, except as allowed by Standard Provision A.13. See attached "Standard Provisions and Reporting Requirements for Waste Discharge Requirements (NPDES)."

4. Neither the discharge nor its treatment shall create a nuisance as defined in Section 13050 of the California Water Code.

B. Effluent Limitations

1. Effluent shall not exceed the following limits at Discharge 001:

Constituents	Units	Monthly Average	Weekly Average	Monthly Median	4-day Average	Daily Maximum
BOD[a]	mg/L	20	25	--	--	40
	lbs/day[b]	1,100	1,400	--	--	2,200
Total Suspended Solids	mg/L	20	25	--	--	40
	lbs/day[b]	1,100	1,400	--	--	2,200
Chlorine Residual	mg/L	--	--	--	0.01	0.02[c]
Total Recoverable Copper	ug/L	57	--	--	--	110
	lbs/day[b]	3.1	--	--	--	6.0
Total Recoverable Zinc	ug/L	280	--	--	--	560
	lbs/day[b]	15	--	--	--	30
Tetrachloroethene	ug/L	14	--	--	--	28
	lbs/day[b]	0.76	--	--	--	1.5
Total Coliform Organisms	MPN/ 100 mL	--	--	23	--	500

[a] 5-day, 20°C Biochemical Oxygen Demand (BOD).
[b] Based upon a design treatment capacity of 6.5 mgd.
[c] 1-hour average

2. The arithmetic mean of 20°C BOD (5-day) and total suspended solids in effluent samples collected over a monthly period shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period (85 percent removal).

3. The discharge shall not have a pH less than 6.0 nor greater than 9.0.

4. The average dry weather (July through September) discharge flow shall not exceed 6.5 mgd.

5. Survival of aquatic organisms in 96-hour bioassays of undiluted waste shall be no less than:

   Minimum for any one bioassay - - - - - - - - - - - - - - - - - - -70%
   Median for any three or more consecutive bioassays - - - - - -90%

C. Sludge Disposal

1. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a manner approved by the Executive Officer, and consistent with *Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste,* as set forth in Title 27, CCR, Division 2, Subdivision 1, Section 20005, et seq.

2. Any proposed change in sludge use or disposal practice from a previously approved practice shall be reported to the Executive Officer and USEPA Regional Administrator at least **90 days** in advance of the change.

3. Use and disposal of sewage sludge shall comply with existing Federal and State laws and regulations, including permitting requirements and technical standards included in 40 CFR 503. If the State Water Resources Control Board and the Regional Water Quality Control Boards are given the authority to implement regulations contained in 40 CFR 503, this Order may be reopened to incorporate appropriate time schedules and technical standards. The Discharger must comply with the standards and time schedules contained in 40 CFR 503 whether or not they have been incorporated into this Order.

4. The Discharger shall submit a sludge disposal plan describing the annual volume of sludge generated by the plant and specifying the disposal practices in accordance with the attached Monitoring and Reporting Program.

D. Receiving Water Limitations

Receiving water limitations are based upon water quality objectives contained in the Basin Plan. As such, they are a required part of this permit.

The discharge shall not cause the following in the Feather River:

1. Concentrations of dissolved oxygen to fall below 7.0 mg/L during the period of 1 June through 31 August nor below 8.0 mg/L during the period of 1 September through 31 May.

2. Oils, greases, waxes, or other materials to form a visible film or coating on the water surface or on the stream bottom.

3. Oils, greases, waxes, floating material (liquids, solids, foams, and scums) or suspended material to create a nuisance or adversely affect beneficial uses.

4. Chlorine to be detected in the receiving water in concentrations equal to or greater than 0.01 mg/L.

5. Aesthetically undesirable discoloration.

6. Fungi, slimes, or other objectionable growths.

7. The turbidity to increase as follows:

   a. More than 1 Nephelometric Turbidity Units (NTUs) where natural turbidity is between 0 and 5 NTUs.

   b. More than 20 percent where natural turbidity is between 5 and 50 NTUs.

   c. More than 10 NTUs where natural turbidity is between 50 and 100 NTUs.

   d. More than 10 percent where natural turbidity is greater than 100 NTUs.

8. The normal ambient pH to fall below 6.5, exceed 8.5, or change by more than 0.5 units.

9. Deposition of material that causes nuisance or adversely affects beneficial uses.

10. The normal ambient temperature to be increased more than 5°F, or to higher than 56°F when such an increase will be detrimental to the fishery, whichever is more restrictive.

11. Radionuclides to be present in concentrations that exceed maximum contaminant levels specified in the California Code of Regulations, Title 22; that harm human, plant, animal or aquatic life; or that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.

12. Aquatic communities and populations, including vertebrate, invertebrate, and plant species, to be degraded.

13. Toxic pollutants to be present in the water column, sediments, or biota in concentrations that adversely affect beneficial uses; that produce detrimental response in human, plant, animal, or aquatic life; or that bioaccumulate in aquatic resources at levels which are harmful to human health.

14. Violations of any applicable water quality standard for receiving waters adopted by the Regional Board or the SWRCB pursuant to the CWA and regulations adopted thereunder.

15. Taste or odor-producing substances to impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or to cause nuisance or adversely affect beneficial uses.

16. The fecal coliform concentration in any 30-day period to exceed a geometric mean of 200 MPN/100 ml or cause more than 10 percent of total samples to exceed 400 MPN/100 ml.

17. Electrical Conductivity (at 25 °C) to exceed 150 umhos/cm (90 percentile) in well mixed waters.

18. Upon adoption of any applicable water quality standard for receiving waters by the Regional Board or the SWRCB pursuant to the CWA and regulations adopted thereunder, this permit may be reopened and receiving water limitations added.

E. Groundwater Limitations

1. The discharge, in combination with other sources, shall not cause groundwater underlying the wastewater disposal areas to contain waste constituents statistically greater than background water quality, except for coliform bacteria. For coliform bacteria, increases shall not cause the most probable number of total coliform organisms to exceed 2.2 MPN/100 ml over any seven-day period.

F. Pretreatment Program Requirements

The Discharger shall:

1. Comply with all pretreatment requirements contained in 40 CFR Part 403 and shall be subject to enforcement actions, penalties, fines, and other remedies by USEPA or other appropriate parties, as provided in the CWA, as amended. The Discharger shall implement and enforce its approved Pretreatment Program. The USEPA may initiate enforcement action against an industrial user for noncompliance with applicable standards and requirements as provided in the CWA.

2. Enforce the requirements promulgated under Section 307(b), (c), and (d), and Section 402(b) of the CWA. The Discharger shall cause industrial users subject to federal categorical standards to achieve compliance no later than the date specified in those requirements, or in the case of a new industrial user, upon commencement of the discharge.

3. Perform the pretreatment functions required in 40 CFR Part 403, including, but not limited to:

    a. Implementing the necessary legal authorities as provided in 40 CFR 403.8(f)(l);

    b. Enforcing the pretreatment requirements under 40 CFR 403.5 and 403.6;

    c. Implementing the programmatic functions as provided in 40 CFR 403.8(f)(2);

    d. Providing the requisite funding and personnel to implement the pretreatment program as provided in 40 CFR 403.8(f)(3); and

e. Publishing a list of significant violators as required by 40 CFR 403.8(f)(2)(vii), where "significant violations" and "significant noncompliance" are as defined by USEPA in Pretreatment Compliance Monitoring and Enforcement Guidance, pp. 3-48 through 3-52.

G. Provisions

1. The Discharger shall not allow pollutant-free wastewater to be discharged into the collection, treatment, and disposal system in amounts that significantly diminish the system's capability to comply with this Order. Pollutant-free wastewater means rainfall, ground water, cooling waters, and condensates that are essentially free of pollutants.

2. The treatment facilities shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.

3. The Discharger shall report to the Regional Board any toxic chemical release data it reports to the State Emergency Response Commission within 15 days of reporting the data to the Commission pursuant to section 313 of the "Emergency Planning and Community Right to Know Act of 1986.

4. **Within one year of the adoption date of this order** the Discharger shall submit to the Regional Board a Sewer System Operation, Maintenance, Overflow Prevention, and Overflow Response Plan (SS Plan) that describes the actions designed to prevent or minimize the potential for sanitary sewer overflows. The Discharger shall amend the SS Plan as necessary. The Discharger shall ensure that the up-to-date SS Plan is readily available to maintenance personnel at all times and that personnel are familiar with the plan.

   At a minimum, the Operation and Maintenance portion of the SS Plan shall contain or describe the following:

   a. Plans of the sewer system, identifying sewer mains, manholes, cleanouts, any air relief valves, and any other specific critical equipment or infrastructure;

   b. A listing of equipment and elements to be inspected, a description of inspection procedures and inspection frequency, and sample inspection forms;

   c. A schedule for routine inspection and testing of manholes, sewer system piping, valves, and other key system components, and rehabilitation procedures to be followed in the case that such rehabilitation is necessary;

5. At a minimum, the Overflow Prevention and Response portion of the SS Plan shall contain or describe the following:

a. Response procedures for sanitary sewer overflows. Procedures shall minimize the volume of sewage that may enter surface waters, and minimize the adverse effects of sewer overflows on water quality and public health. Procedures shall also ensure that all overflows are properly identified, responded to and reported; and

b. A plan to notify the Butte County Environmental Health Department and a public notification plan, in which any posting of areas contaminated with sewage is performed at the direction of the Butte County Environmental Health Department. All parties with a reasonable potential for exposure to an overflow event shall be notified. Any spill in excess of 1,000 (one thousand) gallons to a surface water must also be immediately reported to the State of California Office of Emergency Services. Failure to report such a spill in accordance with the above laws and regulations is a misdemeanor punishable by fine and imprisonment.

6. The Discharger shall conduct the chronic toxicity testing specified in the Monitoring and Reporting Program. If the testing indicates that the discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the water quality objective for toxicity, the Discharger shall initiate a Toxicity Identification Evaluation (TIE) to identify the causes of toxicity. Upon completion of the TIE, the Discharger shall submit a workplan to conduct a Toxicity Reduction Evaluation (TRE) and, after Regional Board evaluation, conduct the TRE. This Order will be reopened and a chronic toxicity limitation included and/or a limitation for the specific toxicant identified in the TRE included. Additionally, if a chronic toxicity water quality objective is adopted by the SWRCB, this Order may be reopened and a limitation based on that objective included.

7. The Discharger shall use the best practicable cost-effective control technique currently available to limit mineralization to no more than a reasonable increment.

8. The Discharger shall comply with all the items of the "Standard Provisions and Reporting Requirements for Waste Discharge Requirements (NPDES)," dated February 2004, which are part of this Order. This attachment and its individual paragraphs are referred to as "Standard Provisions."

9. The Discharger shall comply with Monitoring and Reporting Program No. R5-2004-____, which is a part of this Order, and any revisions thereto as ordered by the Executive Officer.

   When requested, the Discharger shall complete and submit Discharge Monitoring Reports to USEPA. The submittal date shall be no later than the submittal date specified in the Monitoring and Reporting Program for Discharger Self Monitoring Reports.

10. This Order expires on __ _____ ____ and the Discharger must file a Report of Waste Discharge in accordance with Title 23, CCR, not later than **180 days** in advance of such

date in application for renewal of waste discharge requirements if it wishes to continue the discharge.

11. Prior to making any change in the discharge point, place of use, or purpose of use of the wastewater, the Discharger shall obtain approval of, or clearance from, the SWRCB (Division of Water Rights).

12. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to this office.

    To assume operation under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, the address and telephone number of the persons responsible for contact with the Regional Board and a statement. The statement shall comply with the signatory paragraph of Standard Provision D.6 and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the California Water Code. Transfer shall be approved or disapproved in writing by the Executive Officer.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____.

_____
THOMAS R. PINKOS, Executive Officer

Attachments